

In the interest of furthering prosecution and obtaining an allowance, independent claim 2 has been amended to clearly include technology. Additionally, claim 2 has been amended to include the steps of “associating limits with at least one health statistic received from the user,” and “notifying a user’s physician, with a message sent from the computer, to contact the user when the limits are exceeded by the health statistic”, which Applicants submit is a concrete, tangible, and useful result.

Claims 3-21 and 32-34 depend from claim 2. Accordingly, claims 2-21 and 32-34 are directed to statutory processes. Reconsideration and withdrawal of the rejection is requested.

Rejection Under 35 U.S.C. § 102

Claims 2-21 and 32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,832,448 to Brown.

The Examiner contends that Brown discloses a method for compiling health information performed by a computer controlled apparatus by establishing a database which receives a health statistic of the user, and which determines the health status of the user from the health statistic.

Applicants submit that Brown discloses a system for monitoring a group of patients having a chronic disease or ongoing health condition. Brown discloses collecting from each patient a set of measurements of a control parameter of the health condition. Brown discloses calculating a control value for each patient from the patient’s set of measurements. The control value is a mean

value of the control parameter values recorded by the patient over a specified time frame.

(Brown, column 5, line 65 through column 6, line 20.)

Amended claim 2 is directed to a method of compiling health information and recites “storing a plurality of health statuses of a plurality of users,” receiving “data corresponding to a health statistic of the user,” and “analyzing the health statistic to determine a health status from the health statistic, wherein the analyzing step includes comparing data received from the health monitoring device and statistics derived from analysis of the plurality of health statuses.” In contrast, Brown merely discloses calculating a mean value for each patient from the patient’s own set of measurements, without comparison to statistics derived from health statuses of other users.

In response to Applicants’ previous remarks on this issue, the Examiner refers to Brown, column 2, lines 10-20, as disclosing calculating a mean value for each patient from the patient’s own measurements. (Detailed Action, page 5.) However, Applicants respectfully submit that there is no support for the Examiner’s position in that portion of Brown relied on by the Examiner.

Additionally, amended claim 2 recites “associating limits with at least one health statistic received from the user,” and “notifying a user’s physician, with a message sent from the computer, to contact the user when the limits are exceeded by the health statistic.” Support for this amendment can be found in the Specification at page 14, lines 8-20. Brown does not disclose, nor suggest, these features of amended claim 2.

Applicants acknowledge that a “startup routine” is inherent in that all computers begin a startup routine when turned on. However, what is not disclosed, or suggested, in Brown or Langer is a method that measures the cardiovascular signal while the startup routine is ongoing.

Additionally, amended claim 25 recites “associating limits with the data based on the received cardiovascular signal,” and “notifying a user’s physician, with a message sent from the computer, to contact the user when the limits are exceeded by the data.” Neither Brown nor Langer disclose or suggest these features of claim 25.

Thus, neither Brown nor Langer disclose each and every feature of amended claim 25. Therefore, neither Brown nor Langer anticipates amended claim 25. Claims 26-29 and 35 depend from claim 25, and Applicants submit that claims 26-29 and 35 are patentable over either Brown or Langer for at least the same reasons as claim 25.

CONCLUSION

Each and every point raised in the Office Action dated April 6, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 2-21, 25-29 and 32-35 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By _____

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